

CONFLICT PREVENTION AND RESOLUTION SERVICES CONTRACT**CONTRACT #** 68HERH19D0033**TASK ORDER #** 68HERH20F0077 - TO#31 (Wetlands JIT TO)**SOW SECTION #** Sections – 3a,3b,3c,3e,3f,3h,3i,3j,3l,3m, and 3p.**TECHNICAL DIRECTIVE #** TD04**TITLE:** Florida 404 Assumption Request: Effort Facilitation and Meeting Support Services**DATE:** 5/29/2020**TO:** Laura Bachle, AICP, ERG Task Order Manager**FROM:** Mike Long, TOCOR**CC:** Terry Fenton, LCCOR
Terry Simpson, LCCOR
Erin Ridder, CO
Katie Rechenberg, Team Leader
Kelly Laycock, TD04 Technical Lead
?, TD04 Technical Lead**RE:** Authorization to Access ERG Facilitation Support Services**SITE ID:** N/A

In accordance with the above-referenced Task Order, Eastern Research Group (ERG) is authorized to initiate ADR-related activities with respect to the Florida Assumption Request pursuant to Clean Water Act Section 404(g). ERG is authorized to spend up to the total funding ceiling noted below on these activities and be reimbursed for direct expenses. The nature of this project is described below.

Program Background

The Clean Water Act (CWA) established the Section 404 permit program, under which the U.S. Army Corps of Engineers (Corps) may issue permits for the discharge of dredged or fill material into "waters of the United States" as identified in the CWA. Section 404(g)(1) of the CWA provides states and tribes the option of submitting to the United States Environmental Protection Agency (EPA) a request to assume administration of the Clean Water Act Section 404 permit program in certain waters within state or tribal jurisdiction. The Governor of the State of Florida has submitted a complete request for State program approval and proposes to operate the State permit program for regulated discharges of dredged or fill material into waters within the jurisdiction of the State in accordance with the CWA.

The following is a brief description of EPA's procedure for program approval: (1) Once the State submits an assumption package that is complete, a maximum 120-day statutory review period commences; (2) EPA will provide copies of a complete assumption package within 10 days of receipt to the Corps, the National Marine Fisheries Service (NMFS), and the United States Fish and Wildlife Service (USFWS) for review and comment. Within 90 days of EPA's receipt of a complete program submission, the Corps, FWS, and NMFS shall submit to EPA any comments on the State program; (3) EPA will publish notice of the State's application in the Federal Register and in enough

of the State's largest newspapers to attract statewide attention; (4) EPA will provide for a public comment period of not less than 45 days; (5) EPA will provide for a public hearing not less than 30 days after such notice is published in the Federal Register; (6) EPA will also mail notice of the State's application to interested parties, and provide notice of an opportunity to consult to federally recognized Indian Tribes in the State; (7) approve or disapprove the program transfer within 120 days of receipt of the complete program submission

Administrator Priorities

- | | |
|---|--|
| <input type="checkbox"/> Reduce number of non-attainment areas | <input type="checkbox"/> Increase amount of non-EPA resources leveraged by projects receiving EPA infrastructure investments |
| <input type="checkbox"/> Increase water infrastructure project compliance | <input checked="" type="checkbox"/> Accelerate permitting-related decisions |
| <input type="checkbox"/> Ready Superfund and/or Brownfields sites for anticipated use | <input type="checkbox"/> Climate adaptation |
| <input type="checkbox"/> Complete TSCA risk evaluations | <input type="checkbox"/> Environmental Justice |
| <input type="checkbox"/> Complete TSCA risk management actions | <input type="checkbox"/> Interagency Dispute/Discussion |
| <input type="checkbox"/> Complete timely TSCA pre-manufacture notice final determinations | <input checked="" type="checkbox"/> Tribal Issues |
| | <input checked="" type="checkbox"/> Other: State and Tribal Support |

Project Period of Performance

Start date: 7/3/2020

End date: 12/30/2020

Project Budget

Total funding ceiling: \$30,000

Estimated ERG Program Management Hours: 8

Estimated Service Provider Hours (facilitator/mediator/recorder, etc.): 100

Travel and Other Direct Costs: \$9,000 (travel for 4 EPA employees to each meeting and 3-4 contractors)

Project Description

EPA sponsoring office or region: Region 4, Water Division, Wetlands Branch

Other Information: N/A

Project Location: Southeast Region

Anticipated meeting dates: three meetings with the general public. May be virtual due to Covid-19 or funding. Agency will try to host at least one in person. Cost out two tribal consultations – one with Seminole and Mic.... , will occur approximately in September but no later than 60 days after receipt of final request package from FL.

Meeting locations: Florida – in south, central and Tallahassee

Project Description – public hearings, transcript/notes, sort and bin comments (EPA will provide categories for binning and snippetizing to contractor eg., commenter type, issue, pro vs against assumption, unique comment vs campaign), contractor shall combine these comments with comments received via the docket on this action and provide summary to EPA

Main Project: Mid-Atlantic Wetland Workgroup Strategic Visioning Workshop

The EPA is proposing to host a two day facilitated workshop/meeting with MAWWG members, including the USACE to focus on the need to identify the conflicts associated with practical usage of scientific studies and methods, identify overlapping efforts and build consensus on the ability to work together to enhance the usability of the methods among the states or tribes and permit decision makers. A steering committee is being created by Region 3 to direct the meeting location,

venue and dates for the workshop.

The purpose of this Technical Direction is to request support for planning, organizing and facilitating the two-day strategic visioning meeting. Needs may include locating a low or no cost venue, support in agenda development, meeting materials development, copying for participants and distribution, registration support, supporting travel for up to 8 state or tribal participants, meeting location preparation, facilitation of the meeting which will guide members to revise mission statement and strategic framework, and taking, collecting, and finalizing meeting notes.

Project Deliverables

1. Progress Reports

At the request of the TOCOR, the Contractor shall provide progress reports on the project status and progress throughout the project performance period. Meeting summaries/transcripts, comments submitted, analysis of comments received,

2. Hearing facilitation

- a. secure venue(s)
- b. transcripts
- c. make webinar accessible

3. Comment analysis/binning

Requirements:

1: The Contractor shall utilize a database platform or system, FEDRAMP approved by EPA for use in binning and analyzing comments received such as Salesforce or reports shall be in a form that works on MS office platform. Options for processing comments including benefits and concerns shall be presented to the TOCOR for consideration. The Contractor shall collect comments from public hearings, tribal consultations and export comment letters from regulations.gov, read submissions or comment letters, categorize excerpts or snippets of submissions according to a list of topics provided by EPA, and then enter the snippets in the database according to the list of topics (see appendix 1). The list of topics will be provided by EPA to the contractor via technical direction and may include: _____. Contractor shall set up an internal validation process to ensure QA/QC of parsing comments is being conducted with sufficient accuracy.

2. comments are all publicly available in the docket or meeting transcripts and therefore not generated

Project Work Products:

1. Project Summary

At the end of the project, the Contractor shall provide a project summary including a description of the services provided, the outcome of the services, a description of any capacity building or coaching provided to parties, reflections on lessons learned and recommendations for improvement and/or follow-up according to the SOW of this Task Order. This project shall be included in the Final Report for the Technical Direction #03 and its services and outcomes shall be reflected in the program review, reflections and recommendations.

2. Facilitation Support

The Contractor shall develop familiarity with MAWWG members (up to 40 state, tribal, academia and federal participants) and create an atmosphere of sharing, learning and constructive discussion to lead to actionable outcomes. This may include several conversations with members in advance of the workshop via conference calls and providing EPA with recommendations for workshop agenda and icebreaker activities.

There will be approximately 10 conference calls before and 3 conference calls after the workshop,

however this amount may be less or more depending the needs of the steering committee.

The schedule for this deliverable is listed in the Proposed Schedule section and additional requirements for this deliverable are listed in the Requirements for All Appendices section, both below.

3. Conflict Resolution Documentation

3a. First draft agenda to share with steering committee electronically.

3b. Presentations, such as power points or printed posters or flip charts that relate to or lead to a strategic framework to be distributed for review electronically by steering committee.

3c. Second drafts of each agenda and materials electronically.

3d. Draft notes to EPA and steering committee

3e. Final Notes – incorporate comments within the draft notes and develop the final notes.

3f. MAWWG Draft Paper - The Contractor shall develop a conflict resolution approach paper for MAWWG members and provide EPA staff information on best practices for resolving conflicts that may arise during the workshop. This documentation shall be used to enhance the MAWWG direction assist in consensus building. The paper shall include a revised MAWWG mission statement and indicate action items and a direction for MAWWG for the next 3-5 years.

3g. MAWWG Final Paper - After comments from the TD COR, the Contractor shall incorporate comments from the TDCOR to develop the MAWWG Final Paper.

3h. Materials shall be “website ready” as they may be uploaded on public MAWWG website as directed by steering committee at: [HYPERLINK "<http://www.mawwg.psu.edu/>"] or a new website that is created by the MAWWG or EPA.

Requirements for Workshop

The Contractor shall first review MAWWG materials and past projects to obtain a basic understanding of the workgroup and provide an outline of potential methods for the workshop success. EPA interpreter for sign language?

The Contractor will consult with EPA staff and Management throughout the project period through phone and email contact.

The EPA TD#03 Technical Leads will assemble a steering committee comprised of MAWWG state and academic technical representatives and conduct a conference call to provide coordination and guidance.

Proposed Schedule

- Kick-off meeting with EPA Region 3 via conference call within 10 working days of service provider selection to discuss needs, schedule and key milestones. (by approx. March 2020*)
- Immediately after conference call, EPA Region 3 technical lead will conduct conference calls with MAWWG steering committee and Contractor to develop agenda items, coordinate location of meeting and dates. (ongoing and as needed - on an anticipated biweekly to monthly basis).
- Steering committee with Contractor to secure no or low-cost venue (such as a state or federal park location) and dates. (by approx. March 2020*)

- Development of first draft agenda to share with steering committee. (by approx. April 2020*)
- Develop materials to be distributed for review by steering committee. (by approx. April 2020*)
- Second drafts of each agenda and materials returned within 20 business days after EPA provides comments to the Contractor on the first draft (by approx. April/May 2020*)
- Final draft of all materials expected for the workshop including printed poster of agenda and other important materials. All other materials may be electronically provided.
- During the workshop, conduct sign-in of participants, solve logistical problems of venue as needed, organize lunch and evening activities, create an open but directed facilitated discussions to revise mission statement, develop a framework strategy for the next 3-5 years, take notes, develop list of action items and next steps. (by approx. May/June 2020)
- Within one week after meeting send draft notes and materials created to steering committee and conduct one to two conference call to discuss.
- Provide update on draft notes and provide deadline for comments.
- Within one week of receipt of comments on draft notes, finalize notes for distribution to EPA.
- Contractor may be requested to upload materials on a designated website.

* *All approximate dates provided above are for general planning purposes only; they are based upon selection of a service provider and final dates of MAWWG meeting and are therefore subject to change.*

Qualifications of Provider

The Contractor shall select a service provider for this project in consultation with the Task Order Contracting Officer Representative (TOCOR), Technical Directive (TDCOR) and Technical lead. The service provider shall have the following qualifications:

- Knowledge of, and experience with Clean Water Act Section 404, including specifically the Section 404(b)(1) Guidelines, the permitting process, and USACE and EPA roles in program implementation.
- Experience gathering input from stakeholders, and excellent facilitating skills.
- Experience with state, tribal and federal technical and policy specialists.
- Ability to translate regulatory and technical wetland science language into materials that can be understood by multiple types of stakeholders including wetland program managers, decision makers and federal agency staff.
- Knowledge of conflict resolution techniques and experience as a mediator resolving complex environmental and water policy issues.

EPA Contacts:

The TOCOR on this contract is the contact for official technical direction. The Technical Directive Leads is NOT authorized to issue technical direction to the Contractor or service provider – he/she is a contact person only to clarify information, background, insight, and coordination on the topic or project. ONLY the TOCOR can issue technical direction. Only the Contracting Officer can change the terms or costs of this Task Order.

Technical Directive Technical Lead

Christine Mazzarella
Wetlands Branch, Water Division
U.S. Environmental Protection Agency Region 3
1650 Arch Street
Philadelphia, Pennsylvania, 19103
Phone: 215-814-5756

Email: Mazzarella.christine@epa.gov

Technical Directive Project Lead/Technical Lead

Danielle Algazi
Wetlands Branch, Water Division
U.S. Environmental Protection Agency Region 3
1650 Arch Street
Philadelphia, Pennsylvania, 19103
Phone: 215-814-2722
Email: Algazi.danielle@epa.gov

TD Technical Lead/PTL Supervisor:

Jeff Lapp, Branch Chief
EPA Region: Region 3
Address: 1650 Arch Street Philadelphia, PA 19103
Email: lapp.Jeffery@epa.gov
Phone: 215-814-2717

LCCOR(s):

Terry Fenton and Terry Simpson
Conflict Prevention and Resolution Center (MC-2388)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Phone: (202) 564-2090 - [[HYPERLINK "mailto:Fenton.terry@Epa.gov"](mailto:Fenton.terry@Epa.gov)]
Phone: (202) 564-2462 - [[HYPERLINK "mailto:Simpson.Terry@EPA.gov"](mailto:Simpson.Terry@EPA.gov)]
Fax: (202) 501-1715

Task Order Contracting Officer Representative (TOCOR):

Mike Long
Oceans, Wetland, and Communities Division, OWOW
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW (MC-4504T)
Washington, D.C. 20460
(202) 566-2139 – [[HYPERLINK "mailto:Long.mike@Epa.gov"](mailto:Long.mike@Epa.gov)]

Anticipated Tasks Needed for this Project

- ☐ Consultation with EPA staff to identify appropriate opportunities for community outreach, community engagement, conflict prevention and resolution support;
- ☒ Identification of service provider;
- ☐ Conducting a situation, dispute or conflict assessment;
- ☒ Convening appropriate parties;
- ☒ Facilitation of sessions or meetings;
- ☒ Mediation of sessions or meetings;
- ☐ Design of impasse breaking processes or interventions;
- ☐ Contact with parties during process, before and after meetings;
- ☐ Recording or summarizing meetings or project progress or next steps;
- ☐ Logistical support (meeting rooms, equipment, invitations, registration, etc.);
- ☒ Development of fact sheets, outreach or presentation materials, case studies, analyses;

- ☐ Coaching/capacity building of parties in conflict management, meeting management, dispute resolution or consensus building skills;
- ☒ Providing necessary technical or analytic support, analyses, summaries, review;
- ☒ Providing communications assistance or support (communication strategies, web support, media support);
- ☐ Training in negotiation, conflict resolution, meeting management, public engagement, project specific procedures;
- ☒ Drafting of agreements, recommendations or reports; or
- ☐ Other: Please specify – examples include translation or interpretation, court reporter recording, transcripts, etc.

Supplemental Information

CPRC Staff Lead: Terry Fenton/ Terry Simpson

Primary Type of Services Requested: Facilitation

Secondary Type of Services Requested: Technical/Logistical

Agreement Seeking: No

Primary Subject Matter Area: Clean Water Act 404 Wetlands

Secondary Subject Matter Area: Not Applicable

Public Engagement Goal: Stakeholder Action

Forum: Not Applicable

Policy Context: Implementation/Monitoring/Agreements